

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

Track Three Cases

**MDL No. 2804
Case No. 17-md-2804
Judge Dan Aaron Polster**

**CERTAIN DEFENDANTS' *DAUBERT* MOTION TO EXCLUDE THE OPINIONS
OFFERED BY JAMES RAFALSKI**

Defendants Giant Eagle, Inc. and HBC Service Company, Rite Aid,¹ and Walmart Inc. ("Moving Defendants") hereby move to exclude the opinions offered by James Rafalski as to Moving Defendants under Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and its progeny. As described more fully in the accompanying memorandum, Rafalski's opinions as to Moving Defendants are inadmissible legal opinions, unreliable, and would be unhelpful to the jury. Accordingly, Rafalski's opinions should be excluded in their entirety as to Moving Defendants.

Dated: July 23, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record on July 23, 2021.

/s/ Scott D. Livingston